

1 ELLIOT T. ANDERSON, ESQ.
2 Nevada Bar No. 14025
GREENBERG TRAURIG, LLP
3 10845 Griffith Peak Drive, Suite 600
4 Las Vegas, Nevada 89135
Tel: (702) 792-3773
Email: andersonel@gtlaw.com

5 LAURA SIXKILLER, ESQ.
(pro hac vice pending)
6 KATE L. BENVENISTE, ESQ.
(pro hac vice pending)
7 **GREENBERG TRAURIG, LLP**
2375 East Camelback Road, Suite 800
8 Phoenix, Arizona 85016
9 Tel: (602) 445-8000
Email: laura.sixkiller@gtlaw.com
kate.benveniste@gtlaw.com

1 Attorneys for Plaintiffs/Counter-Defendants
1 Eye-Fi Holdings, LLC and Eye-Fi, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

5 EYE-FI HOLDINGS, LLC, a Delaware limited liability company; and EYE-FI, LLC, a Nevada limited liability company,

Plaintiffs,

V.

BRIAN BERGESON, an individual; KYLE NAKAMOTO, an individual; and 3 DOTS, LLC, a Nevada limited liability company,

Defendants.

BRIAN BERGESON, an individual,

93 Counterclaimant,

94 | V.

EYE-FI HOLDINGS, LLC, a Delaware limited liability company; and EYE-FI, LLC, a Nevada limited liability company,

27 Counterdefendants.

Case No. 2:24-cv-00925-JCM-MDC

**STIPULATION AND ORDER TO
EXTEND TIME FOR PLAINTIFFS
TO RESPOND TO DEFENDANTS'
AMENDED COUNTERCLAIMS
[ECF NOS. 30, 31]**

[First Request]

1 KYLE NAKAMOTO, an individual,
2 Counterclaimant,
3 v.
4 EYE-FI HOLDINGS, LLC, a Delaware limited
5 liability company; and EYE-FI, LLC, a Nevada
limited liability company,
6 Counterdefendants.

8 IT IS HEREBY STIPULATED between Plaintiffs/Counterdefendants EYE-FI HOLDINGS,
9 LLC and EYE-FI, LLC (collectively, "Plaintiffs" or "Counterdefendants") and
10 Defendants/Counterclaimants BRIAN BERGESON ("Bergeson"), 3 DOTS, LLC ("3 Dots"), and
11 KYLE NAKAMOTO ("Nakamoto," or collectively with Bergeson, "Defendants" or
12 "Counterclaimants"), through their undersigned counsel, that Counterdefendants shall have an
13 additional two (2) weeks in which to file and serve their responses to Defendants Bergeson and 3
14 Dots' First Amended Answer and Counterclaim [ECF No. 31] and Defendant Nakamoto's Answer to
15 Plaintiffs' First Amended Complaint and First Amended Counterclaim [ECF No. 30] (collectively,
16 "First Amended Counterclaims") as provided by LR IA 6-1, from Tuesday, November 12, 2024,
17 through and until Tuesday, November 26, 2024. If Plaintiffs/Counterdefendants move to dismiss the
18 First Amended Counterclaims, the Parties agree that Defendants/Counterclaimants shall have up to
19 and until December 12, 2024, to oppose any such motion, with any reply brief due on January 2,
20 2025. This is the first request to extend the time for Plaintiffs to submit responses to the First
21 Amended Counterclaims and the Parties request that the Court enter an order approving this
22 stipulation.

23 Good cause exists for this request. Plaintiffs requested this short additional extension of
24 time to permit an adequate opportunity for counsel to complete their evaluation of the First
25 Amended Counterclaims and to assess potential issues raised by the additional and changed
26 allegations. Additionally, when the First Amended Counterclaims were filed, Plaintiffs/
27 Counterdefendants' counsel was preparing for an extensive binding two-week arbitration hearing.
28 The Parties met and conferred, and Defendants/Counterclaimants agreed to the extended response

1 deadline. All Parties agreed, given issues relating to the holidays and other immovable client
 2 conflicts, to set an agreed upon briefing schedule should Plaintiffs/Counterdefendants move to
 3 dismiss the First Amended Counterclaims as stated herein, as a matter of professional courtesy to
 4 each other. The Parties agreed, subject to the Court's approval, that Plaintiffs' deadlines to respond
 5 to the First Amended Counterclaims shall be extended to November 26, 2024, Defendants/
 6 Counterclaimants' response to any motion to dismiss shall be December 12, 2024, and
 7 Plaintiffs/Counterdefendants' reply to any motion to dismiss shall be January 2, 2025. The Parties
 8 respectfully request that the Court enter an order approving this stipulation.

9 DATED this 12th day of November, 2024.

10 **GREENBERG TRAURIG, LLP**

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 12 */s/ Elliot T. Anderson*
 ELLIOT T. ANDERSON, ESQ.
 Nevada Bar No. 14025
 13 10845 Griffith Peak Drive, Suite 600
 Las Vegas, Nevada 89135

14
 LAURA SIXKILLER, ESQ.
 (pro hac vice pending)
 KATE L. BENVENISTE, ESQ.
 (pro hac vice pending)
 15 **GREENBERG TRAURIG, LLP**
 16 2375 East Camelback Road, Suite 800
 Phoenix, Arizona 85016
 17 Attorneys for Plaintiffs/Counter-Defendants
 Eye-Fi Holdings, LLC and Eye-Fi, LLC

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/s/ Matthew T. Kneeland
 JEFFREY R. SYLVESTER, ESQ.
 Nevada Bar No. 4396
 MATTHEW T. KNEELAND, ESQ.
 Nevada Bar No. 11829
 1731 Village Center Circle
 Las Vegas, Nevada 89134
Attorneys for Defendant/Counterclaimant
Brian Bergeson and Defendant 3 Dots, LLC

SYLVESTER & POLEDNAK, LTD.

/s/ Shea Larsen
 SHEA LARSEN

/s/ Kyle M. Wyant
 BART K. LARSEN, ESQ.
 Nevada Bar No. 8538
 KYLE M. WYANT, ESQ.
 Nevada Bar No. 14652
 1731 Village Center Circle, Suite 150
 Las Vegas, Nevada 89134
Attorneys for Defendant/Counterclaimant
Kyle Nakamoto

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: 11-13-24